



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

June 8, 2018
Certified Mail/Return
7012 3460 0003 1112 9561

Los Molinos CSD
P.O. Box 9
Los Molinos, CA 96055

Attention: James Lowden, General Manager

Subject: Los Molinos CSD, Public Water System No. 5210003 – Compliance Order No. 21-18R-004 for Exceedance of the Arsenic Maximum Contaminant Level.

Dear James Lowden,

Enclosed is a second amended Compliance Order for arsenic that was originally issued to the Los Molinos CSD on January 2, 2009, then amended on July 7, 2015. This second amended Order is being issued to revise the return to compliance date from July 31, 2018 to March 1, 2021. Please read this Order carefully, paying special attention to the directives therein.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

10 **TO:** Los Molinos CSD
11 Attn: James Lowden, General Manager
12 P.O. Box 9
13 Los Molinos, CA 96055
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17 **AMENDED COMPLIANCE ORDER FOR NONCOMPLIANCE OF THE ARSENIC**
18 **MAXIMUM CONTAMINANT LEVEL**
19

20 **COMPLIANCE ORDER NO. 21-18R-004**
21

22 **Los Molinos CSD**
23 **System No. 5210003**
24 **Issued: June 8, 2018**
25

26 Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and
27 Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to
28 comply with a requirement of the California Safe Drinking Water Act or any
29 regulation, standard, permit, or order issued thereunder.
30

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Los Molinos CSD for violation of CHSC section 116655(a)(1) and title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

See Applicable Authorities in Attachment A.

STATEMENT OF FACTS

The Los Molinos CSD water system (hereinafter, "System") is a community water system located in Tehama County that supplies water for domestic purposes to approximately 1500 people. The System utilizes Well No. 4 (Stanford Well) as one of its sources of domestic water. Beginning in 2002 to the present, arsenic levels from Well No. 4 have averaged 11.1 ppb, ranging from 9.0 ppb to 12.8 ppb.

As shown in the most recent quarterly results in the table below, Well No. 4 continues to produce water that exceeds the arsenic MCL.

Sample Quarter	Well No. 2
2 nd Quarter of 2017	11.0 ppb
3 rd Quarter of 2017	10.0 ppb
4 th Quarter of 2017	11.0 ppb
1 st Quarter of 2018	11.0 ppb
RAA	10.8 ppb

As a result of this violation, the System has been issued the following Compliance Orders:

- Compliance Order No. 01-21-09(O)52001 in January of 2009 for compliance with the arsenic maximum contaminant level.
- Amended Compliance Order No. 21-15R-002 in July of 2015 to establish a return to compliance date of July 31, 2018.

While the System has made progress towards compliance with the original compliance order by securing State funding for a new well, it will not meet the return to compliance date of July 31, 2018.

DETERMINATIONS

Based on the above Statement of Facts, The Division has determined that the System continues to violate Section 116555 of the CHSC, and Sections 64431 and 64432 of the CCR, in that the water produced by System's Well No. 4 continues to exceed the arsenic MCL.

DIRECTIVES

This compliance order amends the above referenced compliance orders as provided by the following directives:

1. On or before **March 1, 2021**, comply with the maximum contaminant levels specified in Section 64431 of the California Code of Regulations.

1 2. On or before **July 10, 2018**, and every three months thereafter, continue
2 to submit quarterly progress reports to the Division in the form provided as
3 attachment 'B'.

4
5 3. Until such time that the System is in compliance with the maximum
6 contaminant level for arsenic, the System shall continue to provide
7 quarterly public notification to notify that the domestic water exceeds the
8 arsenic maximum contaminant level. The System shall submit a copy of
9 the quarterly notification and certification that it has been distributed to
10 water users to the Division by no later than the tenth day of the month
11 following the month the notification was distributed.

12
13 All submittals required by this Order shall be addressed to:

14 Reese B. Crenshaw, P.E.
15 Valley District Engineer
16 Drinking Water Field Operations
17 Division of Drinking Water
18 State Water Resources Control Board
19 364 Knollcrest Drive, Suite 101
20 Redding, CA 96002
21 (530) 224-4800

22
23 Nothing in this Order relieves the System of its obligation to meet the requirements
24 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
25 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
26 thereunder.

The Division reserves the right to make such modifications to this Citation, as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order.

The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This Order shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Order are severable, and System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.

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Richard L. Hinrichs, P.E., Chief
Northern California Section
State Water Resources Control Board
Division of Drinking Water

6/8/2018

Date



Attachments:

Attachment A – Applicable Authorities

Attachment B - Quarterly Progress Report

APPLICABLE AUTHORITIES

Section 116655 of the CHSC states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- 1) Directing compliance forthwith.*
- 2) Directing compliance in accordance with a time schedule set by the state board.*
- 3) Directing that appropriate preventive action be taken in the case of a threatened violation.*

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- 1) That the existing plant, works, or system be repaired, altered, or added to.*
- 2) That purification or treatment works be installed.*
- 3) That the source of the water supply be changed.*
- 4) That no additional service connection be made to the system.*
- 5) That the water supply, the plant, or the system be monitored.*
- 6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.*

ATTACHMENT A

should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Section 64431 of the CCR states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A:

(Specifically, Table 64431- A indicates a MCL for Arsenic of 0.010 mg/L)

Section 64432(i) of the CCR states in relevant part:

- 1. Compliance with the MCLs shall be determined by a running annual average (RAA); if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation.*

